(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO.57/2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Ms. Asha Desai, Advocate for the petitioner.

Mr. A.N.S. Nadkarni, Advocate General with Mr. S. Vahidulla, Addl. Govt. Advocate for the respondents.

CORAM : N.N. MHATRE &
P.V. HARDAS, JJ.

DATE : FEBRUARY 11, 2004.

P.C.:

The grievance made by the petitioner by this petition is that the amount has been deducted from his salary wrongfully, without holding any inquiry against him. It appears that this amount has been deducted by the respondents pursuant to the Order of this Court dated 30th August, 2002 in Cri. Writ Petition No.26/2002. In para 7 of the Judgment, it has been observed as under :

> "The respondent is directed to pay costs of Rs.10,000/- to the petitioner within two weeks from today. The State is at liberty to recover the costs from Shri Datta Kudchadkar if they deem fit".

2. It has also been observed in this order that prima facie, the petitioner Datta Kudchadkar who was the Jailor at the relevant time, was solely responsible for misplacing the parole application of the petitioner in that petition.

3. Obviously, therefore, the respondents ought to have held an inquiry and found out whether the petitioner was in fact guilty of any charge which required them to deduct his salary to the tune of Rs. 10,000/-. The deductions have been effected illegally and shall be stopped with immediate effect.

4. The respondents will hold an inquiry against the petitioner in accordance with Rules. If the

petitioner is exonerated of the charge, the amount already deducted shall be refunded to the petitioner. In the event, the petitioner is found guilty as charged, the respondents may deduct any further amounts from his salary and/or impose any other punishment on him. Obviously, the petitioner will be entitled to appeal and challenge that order in accordance with law.

5. The petitioner shall co-operate with the respondents during the course of the inquiry.

NISHITA MHATRE, J.

P.V. HARDAS, J.

ssm.